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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

(संघ राज्य क्षेत्र प्रशासनों को छोड़कर) केन्द्रीय अधिकारियों द्वारा जारी किए गए आदेश और अधिसूचनाएँ
Orders and Notifications issued by Central Authorities (other than Administrations of Union
Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 7 अगस्त, 1992

आ.अ. 235.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनि-
दिष्ट विधान सभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तम्भ (9) में
उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए
नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है:

और, उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण
नहीं दिया है और उसके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह
समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनि-
दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद
के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता
है।

सारणी

क्रम सं.	निर्वाचन का विवरण	निर्वाचन-क्षेत्र का नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता
1	2	3	4
651.	राजस्थान विधान सभा के लिए साधारण निर्वाचन, 1990	73—रूपवास	श्री बाछ सिंह कदम ग्राम सूरजपुर, रूपवास (राजस्थान)
652.	—वही—	63—अलवर	श्री नेमीचन्द्र शर्मा मुरहेतिबावास, अलवर (राजस्थान)
653.	—वही—	—वही—	श्री राजकुमार शर्मा, पुरिम लाइन, अलवर (राजस्थान)
654.	—वही—	—वही—	श्री सुरेश कुमार अग्रवाल, बी.पी. करोली, तह. व जिला अलवर, (राजस्थान)
655.	—वही—	23—मिसाना	श्री शंकरलाल, मोहल्ला अरदानिनया, बाई नं. 18, धिरावा (राजस्थान)
656.	—वही—	16—डुंगरगढ़	श्री श्रीराम शर्मा, बाई नं. 34, निदासार (राजस्थान)
657.	—वही—	48—फागी	श्री सुरेश चन्द करादिया गांव और पो.आ. खोरावडिगाल बाया क्षोदवाड़ा, जयपुर (राजस्थान)
658.	—वही—	66—लखमनगढ़	श्री मोहन लाल मीणा लखमनगढ़ (राजस्थान)
659.	—वही—	—वही—	श्री गिराग सिंह नाथका, मोहल्ला बरलावस राजगढ़, (राजस्थान)
660.	—वही—	42—जौहरीबाजार	श्री छत्र सिंह जवाहर नगर, कच्ची बस्ती, टीला नं. 1, जयपुर (राजस्थान)
661.	—वही—	—वही—	श्री मनीन अहमद, नरमजिल, मिर्जा स्मार्टन रोड, जयपुर, (राजस्थान)
662.	—वही—	69—नगर	श्री कैलाश चन्द गां धन, तह. नगर, (राजस्थान)
663.	—वही—	—वही—	श्री बदन नगर, (राजस्थान)

1	2	3	4
664.	राजस्थान विधान सभा के लिए साधारण निर्वाचन, 1990	69-नगर	श्री मेघराज मोरी माहूला, नगर (राजस्थान)
665.	---वही---	---वही---	श्री रहमत गांव पो. गंगेना तहसील पहाडी, (राजस्थान)
666.	---वही---	---वही---	श्री बालू खां, गांव खेरला नौआबाद पो. लाडोमका, तह. नगर, (राजस्थान)
667.	---वही---	---वही---	श्री हनीफ गांव-अनमतपुर, पो. धन, तह. नगर, (राजस्थान)
668.	---वही---	94-किशनगढ़	श्री नीरतमल रायगढ़ गांव अराइन, तहसील किशनगढ़ (राजस्थान)
669.	---वही---	---वही---	श्री पुरन बन्ध मुनप्रिया देवदुगाडी, ग्राम मोहला, मदनगंज, (राजस्थान)
670.	---वही---	---वही---	श्री रामेश्वर जाल मुआवाल चौबरी गांधीनगर रानभेर रोड, मदनगंज, अजमेर (राजस्थान)
671.	---वही---	186-तुर्ती	श्री बगतराम, गांव अनादैसर तह. जोधपुर (राजस्थान)
672.	---वही---	185-मुरमागर	श्री किशनलाल मेघवाल मेघवाल बस्ती, मसूरिया जोधपुर, (राजस्थान)
673.	---वही---	183-जोधपुर	श्री ग्रामप्रकाश तपारिया आदा बाजार, लोहारों की गली, जोधपुर, (राजस्थान)
674.	---वही---	---वही---	श्री दिनेश मधुर, 2-एस-15, प्रताप नगर, जोधपुर, (राजस्थान)
675.	---वही---	---वही---	श्री राजेश मायुर, खिल्लीखाना तथा बास, जोधपुर (राजस्थान)
676.	---वही---	---वही---	श्री लखपत, जैन "लूनकर" मिह. पोल, मिवाका की गली, जोधपुर, (राजस्थान)

[स. 76/राज. नव. स. /81(9)]

आदेश से

प. कं. श्रीरामचंद्र, सचिव

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 7th August, 1992

O.N. 235.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General Election to the State Legislatively Assembly, as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge the account of his election expenses as required by the Representation of the People Act, 1951 and according to the Rules and orders made thereunder;

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after the notices and the Election Commission, after considering the representation made by him if any, is satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order :—

TABLE

S. No.	Particulars of elections	Name of the Constituency	Name and address of Contesting candidates
1	2	3	4
651.	General Election to Rajasthan Legislative Assembly, 1990	73-Roopwas	Shri Baanenu Singh Kardam, Khan Surajapur, Roopwas (Rajasthan)
652.	-do-	63-Alwar	Shri Nemi Chand Sharma, Marhethiya Bass, Alwar (Rajasthan)
653.	-do-	-do-	Shri Raj Kumar Sharma, Police Line, Alwar (Rajasthan)
654.	-do-	-do-	Shri Suresh Kumar Agarwal, V.P. Karoli, Teh & Distt. Alwar (Rajasthan)
655.	-do-	23-Pilani	Shri Shankar Lal, Mohalla Aradawatia Ward No. 18, Chirawa (Rajasthan)
656.	-do-	16-Dungargarh	Shri Shri Ram Sharma, Ward No. 34, Bidasar (Rajasthan)
657.	-do-	48-Phagi	Shri Suresh Chander Kardia Village & P.O. Khorabishal Via Jhotwara, Jaipur, (Rajasthan)
658.	-do-	66-Lachhmangarh	Shri Mohan Lal Meena, Lachhmangarh (Rajasthan)
659.	-do-	-do-	Shri Girag Singh Naruka, Mohalla Barlabas Rajgarh (Rajasthan)
660.	-do-	42-Johri Bazar	Shri Indra Singh, Jawahar Nagar, Kachchi Basti, Teela No. 1, Jaipur, (Rajasthan)
661.	-do-	-do-	Shri Matin Ahmad, Noor Manzil, Mirza Ismail Road, Jaipur (Rajasthan)
662.	-do-	69-Nagar	Shri Kailash Chand, Village Thoon, Teh. Nagar (Rajasthan)
663.	-do-	-do-	Shri Badan, Nagar (Rajasthan)

1	2	3	4
664.	General Election to Rajasthan Legislative Assembly, 1990	69-Nagar	Shri Meghraj, Mori Mohalla Nagar (Rajasthan)
665.	-do-	-do-	Shri Rahamat, Village Post Gangera, Teh. Pahari (Rajasthan)
666.	-do-	-do-	Shri Lallu Khan, Village Kherala Nauabad, Post Ladamka, Teh Nagar (Rajasthan)
667.	-do-	-do-	Shri Hanif, Village Dhanmatpura, Post Thoon, Teh. Nagar (Rajasthan)
668.	-do-	94-Kishangarh	Shri Noratmal Raigar, Village Arain, Teh. Kishangarh (Rajasthan)
669.	-do-	-do-	Shri Poonamchand Munpariya, Devdungari, Regran Mohalla, Madanganj (Rajasthan)
670.	-do-	-do-	Shri Rameshwarlal, Suwalal, Choudhary, Gandhi Nagar, Ranmer Road, Madanganj, Ajmer (Rajasthan)
671.	-do-	186-Luni	Shri Bagta Ram, Village Janadesar Teh. Jodhpur, (Rajasthan)
672.	-do-	185-Soorsagar	Shri Kishan Lal Meghwal, Meghwal Basti, Masuria, Jodhpur (Rajasthan)
673.	-do-	183-Jodhpur	Shri Om Parkash Taparia, Ada Bazar, Loharo Ki Gali, Jodhpur (Rajasthan)
674.	-do-	-do-	Shri Dinesh Mathur, 2-S-15 Pratap Nagar, Jodhpur (Rajasthan)
675.	-do-	-do-	Shri Rajesh Mathur, Killikhana Naya Bas, Jodhpur, (Rajasthan)
676.	-do-	-do-	Shri Lakhpat Jain 'Loonkar' Singh Pole, Sewako Ki Gali, Jodhpur (Rajasthan)

[No 76/RJ-LA/91(9)]

By Order,
A.K. SRIVASTAVA, Secy.

आदेश

नई दिल्ली, 7 अगस्त, 1992

आ० अ० 236.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट लोकसभा निर्वाचन 1991 के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र में हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्ती बनाए गए विधियों द्वारा निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है ;

और, उक्त अभ्यर्थियों ने सम्पर्क सूचना दिए जाने पर भी उक्त असफलता के लिए न तो कोई कारण अथवा स्पष्टीकरण ही दिया है, या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों की संसद के किसी भी सदन के या किसी राज्य/संघ राज्य-क्षेत्र की विधान सभा अथवा परिषद् के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्गृहीत घोषित करता है।

सारणी

क्र० सं० निर्वाचन का विवरण	संसदीय निर्वाचन क्षेत्र का नाम और क्र० सं०	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता
1	2	3
1. लोक सभा के लिए, साधारण निर्वाचन 1991, गुजरात	22—बड़ोदा	श्री पटेल दकवान हस्मादल उधना, विम्बयात शास्त्री चौक, मृत, (गुजरात)
2. —वही—	—वही—	श्री रजनीकान्त उर्फ गोपालभाई अम्बालाल हीरा भागल, श्री दयाधरी का मन्दिर के गर्माप दभाई, मा० दाभाई, जिला बड़ोदा (गुजरात)
3. —वही—	21—छोटा उदयपुर (अ० ज० जा०)	श्री रक्षाया बलसुखभाई पाटलियाभाई स्थान और पो० आ० पिपाल्दी, ता० छोटा उदयपुर, जिला बड़ोदा (गुजरात)
4. —वही—	8—भावनगर	श्री कचरा हाजीभाई दशाभाई, अमी पारा मधुमाली, बालो काहूनचो, भावनगर, (गुजरात)
5. —वही—	—वही—	श्री गोस्वामी शालीगिरी एम, उखराला, तालुक घाश्वा, जिला भावनगर बापा भाद्री भण्डारिया (गुजरात)
6. —वही—	—वही—	श्री चौहान बलदीपभाई तीसाभाई, "आवकर" 1640 रामनगर, सरदार नगर के पीछे, भावनगर, (गुजरात)
7. —वही—	—वही—	श्री धीरूभाई चिधरभाई रामभनिया, केरला, तालुक तालाजा, जिला भावनगर, गुजरात

1	2	3	4
8	लोक सभा के लिए साधारण निर्वाचन 1991, गुजरात	4—राजकोट	श्री बड़दोरिया रमेश चन्द्र मोहनभाई, स्थान अमर नगर, वाया गोण्डल ता० जेतपुर, (गुजरात) श्री जैत शरविन्दभाई रूपचन्द 2/250, महेश्वर मोहल्ला रुस्तमपुर, सूरत (गुजरात)
9.	—वही—	24—सूरत	श्री ठाकुर गिरीश बलराम गिह, 68/24, सोलावतपुरा, पिपारती शेरी, सूरत, (गुजरात)
10.	—वही—	—वही—	श्री पटेल मोहनभाई दयालभाई गौरत अम्बा कालोनी रान्दर जिला सूरत, (गुजरात)
11.	—वही—	—वही—	श्री बाबूभाई तेजाभाई 191/192 भगीरथ विभाग-2 लाम्बा हनुमान रोड सूरत, (गुजरात)
12.	—वही—	—वही—	श्री वंगदिवाला हीरालाल शागबनदाम, 3/2247 पिपारती, शेरी सोलावत पुरा, सूरत, (गुजरात)
13.	—वही—	—वही—	श्री राणा जशवन्त लाल धनमुखलाल इन्दरपुरा मोधवन भैया, मास्-जी-बाव, दरगाह-3/3116-17 के समीप, सूरत-3, (गुजरात)
14.	—वही—	—वही—	श्री शर्मा बाबूभाई फकीर भाई 17/55 रणकी सोगायटी, झांझुवाड़ी बोरनीडलादी, लाम्बा हनुमान रोड, सूरत, (गुजरात)
15.	—वही—	—वही—	श्री नगीनदाम निकनलाल शाह, स्थान और पो० आ० सदर, ता० दहेगम, जिला अहमदाबाद, (गुजरात)
16.	—वही—	16—कपाहबंज	श्री डा० प्रकाश पटेल मनुस्मृति, सेन्टल हास्पिटल, करेदीबाग के पीछे, बड़ौदा, को० न० 390018 (गुजरात)
17	—वही—	—वही—	

9.	2	3	9
18. लोक सभा के लिए साधारण निर्वाचन 1991, गुजरात	16-कपाड़वाज	श्री मन्वजीत सिंह विजयसिंह, गुरुधाम फार्म, स्थान और पो० जसामा, ता० दहेगम, जिला अहमदाबाद, (गुजरात)	
19. ---वही---	5-पोरबन्दर	श्री जाविश जयसुखलाल लक्ष्मीदाम, अखती अपार्टमेंट ए-9, बस स्टैंड के पीछे, जूनगढ़, (गुजरात)	
20. ---वही---	---वही---	श्री शिंगराखिया मोहन हरदास 13/2 कादिया प्लॉट, पोरबन्दर 360575, (गुजरात)	
21. ---वही---	18-गोध्रा	श्री जोशी जयशंकर भायराम स्थान नवागाम, पो० मधवास ता० लुभावाड़ा, (गुजरात)	
22. ---वही---	---वही---	श्री शाह प्रकाश कुमार गिरीश कुमार स्थान और पो० आफिन इरल, ता० बेकलोड, जिला पंचमहल, (गुजरात)	
23. ---वही---	---वही---	श्री खोखार गुलाम रसूल मिकन्दरभाई, मस्जिद टेकरी, वाली सिनोर, जिला खेड़ा, (गुजरात)	
24. ---वही---	20-अनन्द	श्री ठाकुर शान्तिनिलाल छेवाभाई, मलियापाग, अनन्द ओल्ड रोड (गुजरात)	
25. ---वही---	---वही---	श्री देसाई नितिन कुमार मेहन्दरसिंह (यादव) स्टेशन रोड, गोपाल टांकीन अनन्द (गुजरात)	
26. ---वही---	---वही---	श्री पटेल महेन्द्र भाई पुरषोत्तम दाम मेहरू चौक, धर्मश, ता० पेटलाड, (गुजरात)	

1	2	3	4
27.	लोक सभा के लिए साधारण निर्वाचन, 1991, गुजरात	15—सावरकंधा	श्री सुवर विश्वमिल्ला खां उमेदखा स्थान नावोवर, पो० आ० कालेवा ता० बादागाम, जिला बंसकंधा, (गुजरात)
28.	—वही—	—वही—	श्री प्रजापति गणेशभाई मावजीभाई, स्थान और पो० आ० भागल, (पिन्थाली) ता० पालनपुर जिला बंसकंधा, (गुजरात)
29.	—वही—	13—पाटन	श्री चन्द्रमोहन भाई मामाभाई, गा० मोघेरा, ता० चानासाना, (गुजरात)
30.	—वही—	1—कच्छ	श्री गंगाराम प्रेमचन्द एस० डी० एक्स० एन०-61, गांधीधाम कच्छ, (गुजरात)
31.	—वही—	—वही—	श्री शाह पारेण कुमार बूजलाल, वधमान स्टोर, गा० बिटूठन ता० मिखताना, कच्छ, (गुजरात)
32.	—वही—	—वही—	श्री सोराधिया प्रेमजी रामजी, नानी नागलपार, ता० धारजट (गुजरात)
33.	—वही—	—वही—	श्री हेमनानी नारनवास रूपचन्द दुकान नं० 50234, बाल मन्दिर चौक आदिपुर कच्छ, (गुजरात)
34.	—वही—	23—मंडीच	श्री पटेल नारनभाई गुर्जीभाई पीछे रेलवे फाटक कोसाम्बा, ता० मंगरोल, जिला सुरत, (गुजरात)
35.	—वही—	—वही—	श्रीमती मकवाना पद्मावेन, प्रभात सिंह, गांव कोलियाद, पो० आ० राहड़द, ता० वागरा, जिला मंडोज, (गुजरात)

1.	2.	3.	4.
36.	लोक सभा के लिए साधारण निर्वाचन 1991, गुजरात	12—मेहसाना	श्री दलीप कुमार बिम्बलाल रावल, 132, पंचन मार्किट, रेलवे स्टेशन के सामने, विसनगर, (गुजरात)
37.	—वही—	—वही—	श्री वीरसंगभाई रेवाभाई चौधरी, स्थान पो० आ० दधियाल, ता० विसनगर, जिला मेहसाना, (गुजरात)
38.	—वही—	7—अमरेली	श्री टेक कालूभाई विरजीभाई, मेन बाजार, बीजापडी, ता० सावरकुण्डला, (गुजरात)
39	—वही—	—वही—	श्री राजगुरु ललित कुमार तुलसीदास, कावलापों रोरी, स्थान और पो० आ० चालाला, ता० घारी, (गुजरात)
40.	वही—	—वही—	श्री लिम्बासिया भारत भाई बाबूभाई गजेरापारा कुण्डला रोड, अमरेल, (गुजरात)

[सं० 76/गुजरात-लो० सं०/92 (1-40)]

आदेश से,

ए० के० श्रीवास्तव, सचिव

ORDER

New Delhi, the 7th August, 1992

O.N. 236.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General Election to the State Legislatively Assembly, as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951 and according to the Rules and order made thereunder;

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after the notices and the Election Commission, after considering the representation made by him if any, is satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order :—

TABLE

Sl. No.	Particulars of Election	S. No. & Name of the Parliamentary Constituency	Name & Address of the contesting Candidate
1	2	3	4
1.	General Election to the Lok Sabha 1991 (Gujarat State)	22—Baroda	Shri Patel Iqbal Ismail, Udhna, Limbayat Shastri, Chok, Surat (Gujarat)
2.	-do-	-do-	Shri Rajnikant Alias Gopalbhai Ambalal, Hira Bhagal, Near Shri Doodhadhari's Temple Dabhai, Ta. Dabhai, District Vadodara (Gujarat)

1.	2.	3.	4.
3.	General Election to the Lok Sabha 1991 (Gujarat State)	21—Chhota Udaipur (ST)	Shri Rathava Dalsukhbhai Pataliabhai, At and P.O. Pipaldi, Tal. Chhota-Udaipur, District Baroda (Gujarat)
4.	-do-	8—Bhavnagar	Shri Kachara Hajibhai Ishabhai, Ami Para, Madhumali Valo Kahanchi, Bhavnagar (Gujarat)
5.	-do-	-do-	Shri Gauswami Shatigiri M, Ukharala, Taluka-Ghagha, District Bhavnagar Via Bhadi—Bhandariya (Gujarat)
6.	-do-	-do-	Shri Chauhan Baldipbhai Tisabhai, 'Aavkar' 1640 'A' Opp. Ramannagar, Sardar Nagar, Bhavnagar, (Gujarat)
7.	-do-	-do-	Dhirubhai Chitharbhai Bambhaniya, Kerala, Tal—Talaja, District Bhavnagar (Gujarat)
8.	-do-	4—Rajkot	Shri Vadadoria Ramesh Chandra Mohanbhai, At Amar Nagar, Via Gondal, Tal. Jetpur (Gujarat)
9.	-do-	24—Surat	Shri Jain Arvindbhai Rupchand, 2/250, Maheshwar Mohalla, Rustampura, Surat (Gujarat)
10.	-do-	-do-	Shri Thakore Girish Balramsinh, 60/24, Selabatpura Piparti Sheri, Surat, (Gujarat)
11.	-do-	-do-	Shri Patel Mohanbhai Dayalbhai, Gorat Amba Colony Rander District Surat (Gujarat).
12.	-do-	-do-	Shri Babubhai Tejabhai, 191/192, Bhagirath Vibhag-2 Lamba Hanuman Road, Surat (Gujarat)
13.	-do-	-do-	Shri Bangadiwala Hirakl Shagwandas, 3/2247 Pipardi Sheri Salabatpura, Surat, (Gujarat).
14.	-do-	-do-	Shri Rana Jashwant Lal Dhansukhlal, Inderpura, Godhevan Bhaya, Maru-Ni-Ghawl Near Dargah, 3/3116-17, Surat-3 (Gujarat).
15.	-do-	-do-	Shri Sharma Babubhai Fakirbhai, 17/55, Shaifi Society, Zupadpatti, Veraniuladi, Lamba Hanuman Road, Surat, (Gujarat).
16.	-do-	16—Kapadvanj	Shri Nagindas Chimanlal Shah, At and P.O. Sadra, Ta. Dahagam, District Ahmedabad, (Gujarat).

1	2	3	4
17.	General Election to the Lok Sabha 1991 (Gujarat State).	16—Kapadvanj	Dr. Prakash Patel, Manushmruti, opp. Mental Hospital, Karedibag, Baroda, P.No. 390018 (Gujarat).
18.	-do-	-do-	Shri Satyajitsinh Vijayasinh, Gurudham Farm, At and Post Vadvasa, Ta. Dahagam, District—Ahmedabad, (Gujarat).
19.	-do-	5—Porbander	Shri Javiya Jaisukhlal Laxmidas, Avni Apartment A/9, Behind Bus Station, Junagarh, (Gujarat).
20.	-do-	-do-	Shri Shingrakhia Mohan Hardas, 13/2 Kadia Plot, Porbander 360575, Gujarat.
21.	-do-	18—Godhra	Shri Joshi Jayshankar Bhayram, At Navagam, Post Madhwas, Taluka Lunawada, Gujarat.
22.	-do-	-do-	Shri Shah Prakash Kumar, Girish Kumar, At. & Post Office Eral, Taluka Kalol, Distt. Panchmahal.
23.	-do-	-do-	Shri Khokhar Gulam Rasool Sikandarbhair, Masjd Tekri, Balasinor, Distt. Kheda, Gujarat.
24.	-do-	20—Anand	Shri Thakur Shantilal, Chhelabhai, Maliyapura, Anand Old Road, Gujarat.
25.	-do-	-do-	Shri Desai Nitin Kumar, Mahendrasingh (Jadav) Station Road, Gopal Talkies, Anand (Gujarat).
26.	-do-	-do-	Patel Mahendrabhai, Parshottamdas, Nehru Chowk, Dharmaj, Tal. Petlad, Gujarat.
27.	-do-	15—Sabarkantha	Shri Tuvir Bishmilakhan, Umedkhan, At. Navowar, P.O. Kaleda, Ta. Vadagam, Distt. Banaskantha, Gujarat.
28.	-do-	-do-	Shri Prajapati, Ganeshbhai Mavjibhai, At. & Post, Bhagad, (Pinthali), Tal. Palanpur, Distt. Banaskantha, Gujarat.
29.	-do-	13—Patan	Shri Chamar Mohanbhai Manabhai, Village Modhera, Ta. Chanasana, Gujarat.

1.	2.	3.	4.
30.	General Elections to the Lok Sabha 1991 (Gujarat State).	1—Kutch	Shri Gangaram Premchand, S.D.X. N-61, Gandhidham-Kutch, Gujarat.
31.	-do-	-do-	Shah Paresk Kumar Vrijlal, Vardhman Stores, Village Vithon, Tal. Nikhtana, Kutch, Gujarat.
32.	-do-	-do-	Shri Sorathiya Premji Ramji, Nani Nagalpar, Tal. Arjat, Gujarat.
33.	-do-	-do-	Hemnani Narandas Roop Chand, Shop No. 50234, Balmandir Chowk, Adipur-Kutch, Gujarat.
34.	-do-	23—Broach	Shri Patel Naranbhai Muljibhai, Opp. Railway Fatak, Kosamba, Taluka Mangrol, Distt. Surat, Gujarat.
35.	-do-	-do-	Smt. Makwana Padmaben Prabhat Singh, Village Koliyad, P.O. Rohiad, Tal. Vagra, Distt. Broach, Gujarat.
36.	-do-	12—Mehsana	Shri Dilip Kumar Chimanlal Raval, 132, Panchal Market, Opp. Railway Station, Visnagar, Gujarat.
37.	-do-	-do-	Shri Virsangbhai Revabhai Chaudhary, At. P.O. Dadhhiyal, Ta. Visnagar, Distt. Mehsana, Gujarat.
38.	-do-	7—Amreli	Shri Tank Kalubhai Virjibhai, Main Bazar, Vijapadi, Tal. Savarkundla, Gujarat.
39.	-do-	-do-	Shri Rajyaguru Lalitkumar Tulsidas, Kablapa Sheri, At. & P.O. Chalala, Tal. Dhari, Gujarat.
40.	-do-	-do-	Limbasiya Bharatbhai Babubhai, Gajerapara, Kundla Road, Amreli, Gujarat.

[No. 76/GJ/92(1-40)(HP)]

By Order,

A. K. SRIVASTAVA, Secy.

आदेश

नई दिल्ली, 7 अगस्त, 1992

आ० अ० 237 :—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट विधानसभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वोन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है ;

और, उक्त अभ्यर्थी ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

सारणी

क्र० सं० निर्वाचन का विवरण	संसदीय विधान सभा निर्वाचन क्षेत्र की क्र० सं० और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	
1	2	3	4
306. विधान सभा के लिए साधारण निर्वाचन, 1990	73—रखिमाल	श्री यासिन गुलाम मीहम्मद अजमेरवाला, 1185, प्रभाजिनी खाड़की गाजाजीर, पंच पीपली, अहमदाबाद, (गुजरात)	
307. —वही—	—वही—	श्री मिश्रावरे वल्लाराम राजाराम, विश्वनाथ नगर, रखिमाल रोड़, अजित मिल के पास, अहमदाबाद, (गुजरात)	
308. —वही—	110—मेघराज	श्री पंज्या गुणवंत लाल मनिलाल, स्थान और डाकघर मेघराज, ता० मेघराज, साबरकंठा जिला, (गुजरात)	
309. —वही—	—वही—	श्री सामकवाड़ ननेन्द्र सिंह विठ्ठलरे, स्थान और डाकघर बाड़वासा, ता० देहगाम, जिला अहमदाबाद, (गुजरात)	
310. —वही—	105—भिलोवा	श्री चमार मगनभाई लाम्बाभाई स्थान और डाकघर गनथिमोल बाया बाड़ोली, ता० इंदार, साबरकंठा जिला, (गुजरात)	

1	2	3	4
311.	विधान सभा के लिए साधारण निर्वाचन 1990,	80—कालील	श्री ठाकुर कुवरजी मढ़ाजी को चांदीसाना, ठाकवर आहमा, ता० कलोल, जिला मेहसाना, (गुजरात)
312.	—वही—	83—मेहसाना	श्री दारजी नटवरलाल हरगोविन्ददास दूसरा पुराना पारा, मेहसाना-1, (गुजरात)
313.	—वही—	106—हिमतनगर	श्री ठाकराले सोभसिंह सोनसिंह, स्थान और पो० कंकहाल, जिला हिमतनगर, (गुजरात)
314.	—वही—	—वही—	श्री शर्मा प्रफुल चन्द्र बंसीधर नया बाजार, स्थान और पो० हिमतनगर, जिला साबरकंठा, (गुजरात)
315.	—वही—	—वही—	श्री मेनन फकीर अहमद हिंदीकभाई बोली ग्राउंड, हिमतनगर, (गुजरात)
	—वही—	—वही—	श्री पटेल दिनेशभाई कालिदास सुथरवाड़ा, स्थान और पो० देहगाम, जिला अहमदाबाद, (गुजरात)
317.	—वही—	—वही—	श्री रावजीभाई कांजीभाई पटेल, स्थान और पो० किरवी केम्पा ता० हिमतनगर, साबरकंठा जिला, (गुजरात)
318.	—वही—	93—सामी	श्री ठाकुर मेशाजी रावजी, स्थान गणेशपुरा, पो. जामनपुरा ता० हारिजे, जिला मेहसाना, (गुजरात)
319.	—वही—	—वही—	श्री मद्दा भरमालभाई बल्लभभाई स्थान गोढ़ाना, ता० सामी, जिला मेहसाना, (गुजरात)

1	2	3	4
320.	विधान सभा के लिए साधारण निर्वाचन 1990	91—पाटन	श्री पटेल अमृतभाई खेवालभाई उगनानी पट्टी, स्थान और पो० मनुनेल, ता० पाटन, जिला मेहसाना, (गुजरात)
321.	—वही—	78—नारोदा	श्री जज्ञासी किशोरमल वासमल, मार्फ्त दूसरी मंजिल, सागर ट्रेवल्स असटोबिया, अहमदाबाद, (गुजरात)
322.	—वही—	112—सालोद	श्री परणी मानसिंहभाई प्रतापभाई स्थान और पोस्ट छत्तीर, तालुक सत्रायपुर, जिला पंचमालदा गोधरा, (गुजरात)
323.	—वही—	156—भड़ौच	श्री सापा इब्राहिम मुसुफ सापा स्ट्रीट, स्थान और पो० टंकारिया, ता० और जिला भड़ौच, (गुजरात)
324.	—वही—	86—देहगाम	श्री ठाकुर तख्ताजी भवनजी, पो. बालना, ता. देहगाम; जिला अहमदाबाद, (गुजरात)
325.	—वही—	—वही—	श्री बाबेभाई घुनीभाई ग्रामीन; ग्रामीनवाड़ा, देहगाम, ता० देहगाम, जिला अहमदाबाद (गुजरात)
326.	—वही—	84—मंसा	श्री पटेल कांतिलाल भोलीदास, स्थान और पो० घोलाकुंआ, ता० बीजापुर, जिला मेहसाना, (गुजरात)
327.	—वही—	—वही—	श्री पटेल मंगलभाई रीवाभाई स्थान और पो० देलवाड़ा ता० बीजापुर, जिला मेहसाना, (गुजरात)

1	2	3	4
328.	विधान सभा के लिए साधारण निर्वाचन, 1990	84—मंसा	श्री ठाकुर गाभाजी हज़रजी, स्थान बोस, ता० बीजापुर जिला मेहसाना, (गुजरात)
329.	—वही—	—वही—	श्री पटेल भीष्माभाई कछारपाई, प्लॉट नं० 1, गंज बजार, मंसा ता० बीजापुर, जिला मेहसाना (गुजरात)
330.	—वही—	—वही—	श्री शेष इकबाल हुसैन इब्राहिम मियां मस्जिद चौक, मंसा ता० बीजापुर, जिला मेहसाना (गुजरात)
331.	—वही—	51—पलिताना	श्री ब्रेलाट गोर्धनभाई हरिभाई पुलिस लाईन के पीछे, वादी, पलिताना, जिला भावनगर, (गुजरात)

[सं० 76/गुजरात/91 (306—331)/वि० सं०]

आदेश से,

ए० के. श्रीवास्तव, सचिव

ORDER

New Delhi, the 7th August, 1992

O.N. 237.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General Election to the State Legislative Assembly, as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge the account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder.

And, whereas, the said candidates has either not furnished

any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representation made by him if any, is satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State or Territory for a period of three years from the date of this order :—

S. No.	Particular of Election	S. No. and Name of the Assembly Constituency	Name and address of the Contesting Candidates
1	2	3	4
306.	73—Rakhial General Election to Legislative Assembly, 1990	73—Rakhial	Shri Yashin Gulam Mohammad Ajmerwala, 1185, Prabhjini Khadki, Gajapir, Panch Pipli, Ahmedabad Gujarat

307. 73-Rakhial General Election to Legislative Assembly, 1990	73- Rakhial	Shri Mishraware Dattaram Rajaram, Vishvanath Nagar, Rakhial Road, Near Ajit Mill, Ahmedabad, Gujarat.
308. —do—	110-Meghraj	Shri Pandya Gunvant Lal, Manilal, At & P.O. Meghraj, Tal. Meghraj, Sabarkantha District, Gujarat.
309. —do—	—do—	Shri Gayakwad Narendra Singh Vithalray, At & Post Vadvasa, Tal. Dahegam, Distt. Ahmedabad, (Gujarat).
310. —do—	105-Bhilrda	Shri Chamar Maganbhai Lambabhai, At & P.O. Ganthiol, Via. Badoli, Tal. Idar, Sabarkantha District (Gujarat).
311. —do—	80-Kalol	Shri Thakur Kuwarji Madhaji, To Chandisana, P.O. Amja, Ta. Kalol Distt. Mehsana, (Gujarat).
312. —do—	83-Mehsana	Shri Darji Natwarlal Hargovandas, Second Oal Para, Mehsana-1, (Gujarat).
313. —do—	106-Himatnagar	Shri Thakarale Somsinh Somsinh. At & Post Kankol, Distt. Himatnagar, Gujarat.
314. General Election to Legislative Assembly, 1990	106-Himatnagar	Shri Sharma Praful Chandra Bansidhar, Nava Bazar, At & Post Himatnagar, District Sabarkantha, (Gujarat).
315. —do—	—do—	Shri Menon Fakir Ahmmad Siddikbhai, Pologround, Himatnagar, (Gujarat).
316. —do—	—do—	Shr Patel Dineshbhai Kalidas, Suthar Wada, At & Post Dehgam, Distt. Ahmedabad, (Gujarat).
317. —do—	—do—	Shri Ravjibhai Kanjibhai patel. At & Post Likhi Campa, Ta. Himatnagar, Sabarkantha District, (Gujarat).
318. —do—	93-Sami	Shri Thakur Methaji Ravaji, At Ganeshpura, Post Jamanpura, Ta. Harij, District Mehsana (Gujarat).
319. —do—	—do—	Shri Nadoda Bharmalbhai Valabhai, At Godhana, Ta. Sami, District Mehsana, (Gujarat).
320. —do—	91-Patan	Shri Patel Amrutbhai Khemabhai, Uganani Paty, At & Post Manund, Ta. Patan, District Mehsana (Gujarat).
321. —do—	78-Naroda	Shri Jagyasi Kishormal Vasumal. C/o IInd Floor, Sagar Travels, Anstodia, Ahmedabad (Gujarat).

1	2	3	4
322.	General Election to Legislative Assembly, 1990	112-Jhalod (ST)	Shri Pargi Mansinghbhai Pratapbhai, At & Post Chhator, Taluka Santaranpur, District Panchmahals, Gcdhra, (Gujarat).
323.	—do—	156-Broach	Shri Sapa Ibrahim Yusuf, Sapa Street, At & Post Tankaria, Taluka & District Bharuch, (Gujarat).
324.	—do—	66-Dehgam	Shri Thakore Takheji Bhavanji, Post Bilmana, Tal. Dehgam, District Ahmedabad, (Gujarat).
325.	—do—	—do—	Shri Babubhai Chunibhai Amin, Aminvada, Dehgam, Tal. Dehgam, Distt. Ahmedabad, (Gujarat).
326.	—do—	84-Mansa	Shri Patel Kantilal Bholidas, At & Post Dholakuwa, Ta. Vijapur, District Mehsana, (Gujarat).
327.	—do—	—do—	Shri Patel Mangalbhai Revabhai, At & Post Delwada, Ta. Vijapur, Distt. Mehsana (Gujarat).
328.	—do—	—do—	Shri Thakor Gabhaji Hajurji, At. Boru, Ta. Vijapur, Distt. Mehsana, (Gujarat).
329.	—do—	—do—	Shri Patel Bhikhabhai. Kacharabhai, Plot No. 1, Ganj Bazar, Mansa, Ta. Vijapur, District Mehsana (Gujarat).
330.	—do—	—do—	Shri Shaikh Iqbal Husain Ibrahim Miya, Masjid Chowk, Masia, Tal. Vijapur, District Mehsana (Gujarat).
331.	—do—	51-Palitana	Shri Belar Gordhanbhai Haribhai, Behind Police Line, Wadi Palitana, District Bhavnagar, (Gujarat).

[No. 76-GJ/91(306-331) (LA)]

By Order,

A. K. SRIVASTAVA, Secy.

शुद्धि

नई दिल्ली, 1 सितम्बर, 1992

आ.प्र. 238:—आयोग के तारीख 7 फरवरी, 1992 के आदेश संख्या 76/उड़ीसा-बि.स./90 में क्रम.सं. 2 के सामने स्तम्भ 4 की प्रविष्टि श्री हरीबन्धु जाबर, गांव पुराना गुनुपुर डाकघर गुनुपुर, जिला कोरापुट उड़ीसा के स्थान पर श्री हरीबन्धु साबर, गांव पुराना गुनुपुर, डाकघर गुनुपुर, जिला कोरापुट, उड़ीसा पढ़ा जाए

[संख्या 76/उड़ीसा-बि.स./90]

आदेश से,

बलवंत सिंह, सचिव

CORRIGENDUM

New Delhi, the 1st September, 1992

O.N. 238.—In Commission's order No. 76/OR-LA/90, dated 7th February, 1992, the entry in column 4 against Sl. No. 2 may be read as Shri Haribandhu Sabar, Village Old Gunupur, P.O. Gunupur Distt. Koraput, Orissa instead of Shri Haribandhu Jabar, Village—Old Gunupur, P.O. Gunupur, Dist. Koraput, Orissa.

[No. 76/OR-LA/90]

By Order,

BALWANT SINGH, Secy.

नई दिल्ली, 7 सितम्बर, 1992

आ.प्र. 239.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग 1991 का निर्वाचन अर्ज सं. 6 में मध्य प्रदेश उच्च न्यायालय, ग्वालियर बेंच के तारीख 15 जुलाई, 1992 के आदेश को एतद्वारा प्रकाशित करता है।

(सूचना अवेग अत्रेवा में छापी है)।

[(सं. स.प्र.ल.स./6/91/92)]

आदेश से,
बसन्त सिंह सचिव

NOTIFICATION

New Delhi, the 7th September, 1992

O.N. 239.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the order of the High Court of Madhya Pradesh, Bench Gwalior dated 15th July, 1992 in Election Petition No. 6 of 1991.

ELECTION PETITION NO. 6 OF 1991 IN THE HIGH COURT OF MADHYA PRADESH, GWALIOR BENCH, GWALIOR

Udayan Sharma

Vs.

Yoganand Saraswati

ORDER

Sole respondent in this matter is the returned candidate whose election from Lok Sabha Constituency No. 2 Bhind-Datia, Madhya Pradesh, has been challenged by the petitioner. The result of election was declared on 16-6-1991 and, at the Main Seat, the petition was lodged on 30-7-1991. It came before me on being assigned for trial for the first time on 14-8-1991, but the petition was admitted for hearing on 28-9-1991 when election petitioner's counsel, Shri Vaishitha, submitted that the petition be treated to be in form and order may be passed for issuance of notice to the respondent.

2. However, on 29-11-1991, on behalf of respondent, three interlocutory applications, I.A. Nos. I, II and III were pressed and indeed, by I.A. No. I, urgent hearing was pressed merely of the other two applications, I.A. Nos. II and III. It was contended, pressing I.A. Nos. II and III, that one "Mathura Prasad Mahant" was necessary party because he was a "withdrawn candidate" and for his non-impleadment, the election petition was liable to be dismissed in limine. Time for filing reply was allowed and that was extended by orders passed on 7-12-1991, 13-1-1992 and 14-2-1992. Finally, the reply came on 17-3-1992 and the following preliminary issue was struck for trial to dispose of the preliminary objection :

"Whether Mathura Prasad Mahant, Ex. M.L.A. from Lahar constituency was a candidate in the concerned election, who had subsequently withdrawn from contest and whether for his non-impleadment the election petition is liable to be dismissed in limine under Section 82(b) read with section 86(1) of the Representation of Peoples Act, 1951 ?"

3. Evidence has been led by the respondent in support of the preliminary objection raised. His witnesses were examined on 29-4-1992, 30-4-1992, 1-5-1992, 2-5-1992 and 6-5-1992 and they were discharged after cross-examination. For adducing rebuttal evidence, on the prayer of election petitioner's counsel, Shri Vaishitha, ten days time was granted for taking steps to summon the official witnesses, to be examined on and from 22-6-1992. By the same order, passed on 6-5-1992, it was further directed that the non-official wit-

nesses shall be kept ready in person in Court to give evidence and no summons need be issued to them. On 23-6-1992, Shri Vaishitha submitted that no steps could be taken because he received no instructions from the election petitioner in regard to adducing rebuttal evidence. Accordingly, evidence on the preliminary issue was closed and for arguments, 7-7-1992 was fixed. None appeared for the election-petitioner to advance any argument, but on behalf of respondent Sarva Shri R. K. Shinde and R. Bhargava, appeared and their arguments were heard.

4. In so far as the law is concerned that is settled. The High Court has no other option, as mandated by Section 86(1), the Representation of the People's Act, 1951, for short, the 'Act' but dismiss in limine an election petition which does not comply with the requirements of Section 82, among others. The requirement of Section 82(b) is clear and positive that "any other candidate against whom allegations of any corrupt practice are made in the petition" is to be joined as respondent in the election petition. I had an occasion recently to deal with the question in the Election petition No. 43 of 1990 (Raisingh v. Harisingh), decided on 12-12-1991, and to survey the relevant authorities in that case, hearing on the question. Relying on Mohan Rai's case, hearing on the held that even when a candidate duly nominated, continues to be candidate for the purpose of Section 2(2) in spite of his withdrawal and his non-impleadment is fatal in case against him an allegation of corrupt practice is made. The defect is incurable and trial cannot proceed by amending the petition. Indeed, in that case also, facts were similar in that the preliminary objection which was upheld appertained to non-impleadment of a candidate against whom allegations of corrupt practice had been made and the candidate had withdrawn from contest after nomination.

5. Relevant to the issue, the averment made in the election petition may be first referred to. At para 9 of the Election petition, is to be read sub-heading, "Corrupt practices". It is stated that a meeting was convened by respondent on 28-4-1991 and among others who attended the meeting was "Mathura Prasad Mahant, Ex. M.L.A. from Lahar Constituency from BJP, resident of Lahar, Bhind" who was sitting on the rostrum with the other persons named in the para. Among "main speakers" in the said meeting was the said "Shri Mathura Prasad Mahant, Ex. M.L.A. from Lahar Constituency from BJP". It is further averred that, "the Ex. MLA from Lahar constituency, Shri Mathura Prasad Mahant delivered the speech that, "Congress Hindu Viradhi hain, Congress hindu dharm ke sankat ka karan hain. Hindu dharm Congress nasht kar raha hain. Hindutva ko bachaane ke liye sabhi siton mein BJP ko vote dena hain. Ram ke nam par BJP ko jitaye".

6. On the above averments, it is difficult to dispute that an allegation of corrupt practice in terms of the provisions of Section 123 sub-section (2) and (3-A), is made against Mathura Prasad Mahant, Ex. M.L.A. and, therefore, to decide the issue, the main point for determination is if he was a candidate in the election in which respondent was declared elected and if he had subsequently withdrawn from contest. In I.A. No. III, the respondent had taken the stand that the said Mathura Prasad Mahant had filed the nomination paper with the Returning Officer and his name was duly notified under Section 75 of the Act. After scrutiny, his nomination paper was accepted and included in the list of validly nominated candidates, notified under Section 36(8) of the Act. It is the Returning Officer and his name was duly notified under also averred that the said Mathura Prasad Mahant withdrew his nomination/candidature under Section 37(I) of the Act which was accepted by the Returning Officer and his name was duly notified at S. No. 4 of the list of withdrawn candidates, notified on 25-4-1991 by the Returning Officer.

7. In the reply to the preliminary objection raised by the respondent, it is denied that Mathura Prasad Mahant was a validly nominated candidate in the election. It is also denied that Mathura Prasad Mahant duly filed his nomination paper and his name was duly notified. The case of the respondent that the said Mathura Prasad Mahant withdrew his nomination/candidature on 29-4-1991 and he had notified that to the Returning Officer is contested. It is also contended that the allegations in the election petition concerning the

said Mathura Prasad Mahant did not constitute corrupt practice.

8. On record have come and are duly proved, among others, the following documents :—

- (i) Ex. R/1—Voters list of 14 Lahar Constituency of the year 1988 of which, at S. No. 687 is entered "Mathuraprasad Bhawaniprasad";
- (ii) Ex. R/2—Voters List of 12 Bhind Constituency of the year 1988 of which at S. No. 1650 is entered "Mayaram Prabhudayal";
- (iii) Ex. R/3—Oath subscribed by "Mathura Prasad Bhawani Prasad" in the requisite form who signed his name as Mathura Prasad Mahant and on which is endorsed of the oath being administered on 25-4-1991 by the Returning Officer;
- (iv) Ex. R/4—Nomination form showing candidate's name Mathura Prasad and father's name Bhawani Prasad, dated 25-4-1991. It is signed at one place by the proposer Mayaram Prabhudayal and another place by the candidate Mathura Prasad Mahant with endorsement recorded on 27-4-1991 by the Returning Officer that on scrutiny, he found the nomination paper valid;
- (v) Ex. R/6—List of duly nominated candidates of 2 Bhind Lok Sabha Constituency, dated 27-4-1991 of which, at S. No. 19, is recorded candidate's name Mathura Prasad, his father's name Bhawani Prasad and address, village and P.O. Lahar, District Bhind. It is also recorded that he was candidate of BJP;
- (vi) Ex. R/7—Notice dated 29-4-1991 in the prescribed form, addressed to the Returning Officer by Mathura Prasad Bhawani Prasad who signed his name as Mathura Prasad Mahant, informing him that he was withdrawing his candidature. It contains endorsement of the Returning Officer of receipt of the notice on 29-4-1991;
- (vii) Ex. R/8—List dated 29-4-1991 of candidates who had withdrawn their candidature from 2 Bhind-Datia Lok Sabha Constituency which contains, among others, the name of Mathura Prasad, resident of village and P. O. Lahar, Pargana Lahar, District Bhind. The list is signed by the Returning Officer;
- (viii) Ex. R/10—Certificate dated 5-3-1985 issued by Returning Officer 14-Lahar Assembly Constituency to Mathura Prasad Mahant of his being elected on 5-3-1985 from that constituency;
- (ix) Ex. R/11—Identity Card No. 942 with 8 photograph issued to Mathura Prasad Mahant of 14-Lahar Constituency, District Bhind by Secretary M. P. Legislative Assembly, Bhopal;
- (x) Ex. R/12 and 13—Photographs proved by R.W. 6 as photographs taken by him of witness Mathura Prasad Mahant; and
- (xi) Exs. R/14 and 15—Negatives of the photographs.

9. As earlier alluded, six witnesses were examined in this case by the respondent in support of his case and prayer to hold the election-petition to be not maintainable for non-impleadment of withdrawn candidate Mathura Prasad Mahant, Ex. M.L.A. and for the same to be dismissed in limine. R.W. 1 is an Assistant in the Election Office at Bhind and he proved the documents produced from the Election Office to which reference is made above. R.W. 2 is the Returning Officer who deposed that he was Collector, Bhind and was holding that post since 26-3-1991. In the Lok Sabha election of 1991, he was Returning Officer for 2-Bhind-Datia Lok Sabha Constituency. He proved his signature on Ex. R/3 and deposed that in his presence Mathura Prasad Mahant also affixed signature on that and subscribed to the oath. He identified Mathura Prasad Mahant, present in Court and stated that he was the person who had subscribed to the oath and had signed Ex. R/3. He proved similarly the other documents Ex. R/4 to R/7. He stated that he had published the list Ex. R/8 on 29-4-1991 of candidates who had notified withdrawal of their candidature. He was confronted with Ex. R/3 (wrongly typed as Ex. P/3, the form of oath,

to suggest that oath was administered to Mathura Prasad Bhawani Prasad and in the form of oath, the corresponding serial number for the voter appearing in the Voters List was not mentioned. It was suggested to him also that it was not established, therefore, that the person whose name appeared at serial No. 683 of Ex. R/1 was the same person who had subscribed the oath in Ex. R/3. He stated clearly in his cross-examination, however, that the person who had subscribed to the oath as Mathura Prasad Bhawani Prasad was known as Mathura Prasad Mahant and there was no other. Mathura Prasad Mahant of that name in the district.

10. Respondent gave evidence as R.W. 3. He stated that personally knew Mathura Prasad Mahant, Ex.-M.L.A. Lahar for ten years and also his father Bhawani Prasad for the last twenty years. He was elected M.L.A. as a candidate of B.J.P. in the year 1985 from Lahar Assembly Constituency. In 1991 election for Lok Sabha, Mathura Prasad Mahant filed his nomination paper for 2-Bhind-Datia Constituency and that was accepted on scrutiny. Because the party did not give him ticket, he withdrew his candidature. He identified Mathura Prasad Mahant present in Court. He stated that in village Chirolji at some distance from Lahar, there was a temple of which is Mathura Prasad's father Bhawani Prasad, was Mahant. People, therefore, called his son by the name of Mathura Prasad Mahant. He denied Mathura Prasad son of Bhawani Prasad was some other person who had filed nomination paper and Mathura Prasad Mahant had not filed nomination paper.

11. R.W. 4, Mayaram Sharma deposed that he was a lawyer practising at Bhind for the last seven years. He had proposed the candidature of Mathura Prasad Mahant in 1991 Lok Sabha election and signed the same. He proved his signature on Ex. R/4 and also those of Mathura Prasad Mahant. He stated that he had filled in Ex. R/4, Mathura Prasad Mahant's name as Mathura Prasad son of Bhawani Prasad because in the Voters List Mathura Prasad's name was printed as "Mathura Prasad Bhawan Prasad". He stated that Mathura Prasad Mahant subscribed to his oath on Ex. R/3, in his presence. He knew Mathura Prasad Mahant for the last twelve years. He stated that from 1985 to 1990, he was M.L.A. from Lahar. He denied that the person who subscribed to the oath in Ex. R/3 or whose name was proposed in Ex. R/4 was different person and not Mathura Prasad Mahant who was present in Court.

12. Mathura Prasad Mahant gave evidence as R.W. 5. He stated that he was elected from Lahar Assembly Constituency in 1985 when he was candidate from B.J.P. He proved his certificate Ex. R/10, which was issued to him by Returning Officer. He also proved the Identity Card, issued to him. Ex. R/11, and his signature and photographs thereon. He stated that in 1991, he had filed nomination paper to contest election from 2-Bhind-Datia Lok Sabha Constituency. He stated that Mayaram son of Prabhudayal had proposed his name. He stated further that in the Voters List his surname (Mahant) nor his proposer Mayaram's (Sharma) was mentioned. He also proved Ex. R/7, the notice which he gave to Returning Officer, withdrawing his candidature. It is also his evidence that besides him, no person by the name of Mathura Prasad Mahant was M.L.A. from Lahar Assembly Constituency. He gave names of the M.L.A.s who represented that constituency in different years (1952, 1957, 1962, 1967, 1972, 1977, 1980 and also 1990). He deposed that in 1985 also, he had filed his nomination paper as Mathura Prasad Bhawani Prasad but he had got his name printed on ballot papers as Mathura Prasad Mahant. He had made an application in that regard to the Returning Officer. After election a certificate was also issued to him in the name of Mathura Prasad Mahant.

13. R.W. 6 is the proposer. His evidence is that on 2-5-92, he had taken photographs in his studio of R.W. 5, Mathura Prasad Mahant, whom he identified in Court. He proved the photographs, Ex. R/12 and R/13 and the negative Ex. R/14 and R/15.

14. On the documentary and oral evidence, adduced in the case, it is difficult to reject the contention of the respondent that R.W. 5, Mathura Prasad Mahant, Ex. M.L.A. Lahar was a candidate in 1991 Lok Sabha election who had filed the nomination paper, but he withdrew his candidature subsequently. Although an endeavour was made to dispute that fact and identity of R.W. 5, it proved futile. Obviously, the election-petitioner found no scope for adducing any rebuttal evidence and, therefore, none was adduced. I have no reason to disbelieve the Returning Officer or R.W. 5 and their testimony fully supports the case of the respondent.

15. Accordingly, I answer the preliminary issue in the affirmative, against the election-petitioner. I hold that Mathura Prasad Mahant, Ex. M.L.A. from Lahar Constituency was a candidate in the concerned election who had subsequently withdrawn from contest and that his non-impleadment in the election-petition is fatal. It is liable to be dismissed in limine under Section 82(b) and 86(1) of the Act.

16. As contemplated under Section 103 of the Act, steps as not maintainable and the preliminary objection of the respondent in that regard is upheld. It merits dismissal in limine and is dismissed accordingly. No order, however, is made as to costs.

16. As contemplated under Section 103 of the Act, steps shall be taken by the Registry to intimate at once the substance of this order to the Election Commission, New Delhi and the Speaker, Lok Sabha, New Delhi and in due course, to send also to the Election Commission, an authenticated copy of this order.

T. N. SINGH, Election Judge

Sd/-
[No. 82/MP-HP/6/91/92]
By Order
RAJWANT SINGH, Secy.

आदेश

नई दिल्ली, 7 सितम्बर, 1992

आ. अ. 241 :—भारत निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथाविनिर्दिष्ट लोक सभा के लिए मई-जून, 1991 में हुए निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उनके सामने विनिर्दिष्ट निर्वाचन लड़ने वाले अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दर्शित अपने निर्वाचन व्ययों के लेखे दाखिल करने में असफल रहे हैं;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए न तो कोई कारण अथवा स्पष्टीकरण ही दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब निर्वाचन आयोग उक्त अधिनियम, की धारा 10क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

सारणी

क्र. सं.	निर्वाचन का विवरण	संसदीय निर्वाचन क्षेत्र की क्र. सं. व नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरर्हता का कारण
1	2	3	4	5
1.	लोक सभा के लिए साधारण निर्वाचन, 1991	1—नई दिल्ली	श्री अजय, ए 5/17, तिब्बिया कालौनी, करोल बाग, नई दिल्ली।	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया।
2.	—वही—	2—दक्षिण दिल्ली	श्री अनमोल रामफल, आर—15, होज खास एनक्लेव नई दिल्ली।	—वही—
3.	—वही—	3—बाहरी दिल्ली	श्रीशिव कुमार, ए—3 पावेट सेंक्टर—8, 132 एम. आई. जी. फ्लेट, रोहिनी, दिल्ली।	—वही—
4.	—वही—	5—बांदनी बीच	श्री मुरलीधर, 356, कुशा घासीराम, दिल्ली।	लेखा रीति से दाखिल नहीं किया।

शुद्धि पत्र

नई दिल्ली, 7 सितम्बर, 1992

आ.अ. 240 :—सारणी के आदेश सं. 76/चण्डी-लो.स./92(2) तारीख 7 मई, 1992 में श्री पा.जे.एन.मेहता के सम्बन्ध में क्रम सं. 8 पर की गई प्रवेष्टि को रद्द किया गया माना जाएगा और क्र. सं. 10 की 9 के रूप में पुनः संशोधित किया जाएगा।

[सं. चण्डी-लो.स./91]

आदेश से,

एस. डी. पर्सहद, सचिव

CORRIGENDUM

New Delhi, the 7th September, 1992

O.N. 240.—In the Commission's Order No. 76/CH/HP/92(2) dated 7th May, 1992, the entry made at Sl. No. 8 in respect of Shri P. J. S. Mehta shall be treated as cancelled and Sl. No. 10 be renumbered as 9.

[No. CH-HP/91]

By Order,

S. D. PERSHAD, Secy.

1	2	3	4	5
5.	लोक सभा के लिए संघीय निर्वाचन 1991	6—नदर दिल्ली	श्री राजेश कुमार, ए—74, गुजराबाला टाऊन 1, दिल्ली।	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया।
6.	—वही—	—वही—	श्री चेतन कुमार, 8234, मुसतानी डांडा, पहाड़गंज, नई दिल्ली।	—वही—
7.	—वही—	—वही—	श्री विमल भियाना, 7/126, रमेश नगर, नई दिल्ली।	—वही—
8.	—वही—	—वही—	श्री जगदीश लाल, 5386/6 न्यू चन्द्रावल दिल्ली-7	—वही—
9.	—वही—	—वही—	श्री बिट्टल पटेल, डी-380, मंगोलपुरी, नई दिल्ली।	निर्वाचन व्ययों का लेखा रीति से दाखिल नहीं किया।

(सं. 76/दिल्ली—सो. स. 92 (7))

आदेश से,

एम. डी. प्रसाद, सचिव

ORDER

New Delhi, the 7th September, 1992

O.N. 241—Whereas the Election Commission of India is satisfied that the contesting candidates specified in column (4) of the Table below, at the election to the House of the People as specified in column (2) and held from constituency correspondingly specified in column (3) against their names have failed to lodge account of their election expenses, as shown in column (5) of the Table, as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidates have either not furnished any reason of explanation for the said failure even after due notice or the Election Commission, after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order.

TABLE

S. No.	Particulars of election	S. No. & Name of Parliamentary Constituency	Name & Address of the candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to House of People, 1991.	1—New Delhi	Sh. Ajay, A 5/17, Tibiya Colony, Karol Bagh, New Delhi.	Failure of lodge account of election expenses.
	—do—	2—South Delhi	Amool Ramphol R-15, Hauz Khas Enclave, New Delhi.	—do—

1	2	3	4	5
3.	General Election to House of people 1991	3—Outer Delhi	Sh. Shiv Kumar, A-3 Pocket Sector-8, 132 MIG Flat Rohini, Delhi.	Failure to lodge account of election expenses.
4.	—do—	5—Chandni Chowk	Sh. Murli Dhar 356, Kucha Ghassi Ram, Delhi.	Failure to lodge account in the manner required by law.
5.	—do—	6—Sadar Delhi	Sh. Rajesh Kumar, A-74, Gujrawala Town-I, Delhi.	Failure to lodge account of election expenses.
6.	—do—	—do—	Sh. Chetan Kumar, 8234, Multani Dhandra, Pahar Ganj, New Delhi.	—do—
7.	—do—	—do—	Sh. Vimal Bhayana, 7/126, Ramesh Nagar, New Delhi.	—do—
8.	—do—	—do—	Sh. Jagdish Lal, 5386/6, New Chandrawal, Delhi-7.	—do—
9.	—do—	—do—	Sh. Vittal Patel, D-380, Mangolpuri, New Delhi.	Failure to lodge account in the manner required by law.

[No. 76/DL-HP/92(7)]

By Order,

S. D. PERSHAD, Secy.

अधिसूचना

नई दिल्ली, 9 सितम्बर, 1992

क्रा.प्र. 241.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग एतद्वारा 1990 को निर्वाचन अर्जी सं. 2 में दिया गया पटना उच्च न्यायालय (पटना बेंच, पटना) का तारीख 4-4-92 का आदेश प्रकाशित करता है।
(आदेश, अंग्रेजी में प्रकाशित है)

[सं. 82/बिहार/12/90/92]

आदेश से

बलवंत सिंह, सचिव

NOTIFICATION

New Delhi, the 9th September, 1992

O.N. 242.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the order dated the 4th April, 1991 of the High Court/Supreme Court of judicature at Patna in Election Petition No. 2 of 1990.

IN THE HIGH COURT OF JUDICATURE AT PATNA

RANCHI BENCH

E.P. 2/90(R)

Theodor Kujur Vers. Smt. Sumati Oraon and Others.

21. 4/4/91. Heard Mr. A. K. Lal, learned counsel for the petitioner.

It is the admitted position that the Parliament in which respondent No. 1 was said to have been elected, has been dissolved and a fresh election has been ordered.

In this view of the matter, in the light of the decision reported in AIR 1974 Supreme Court, 505, this election petition has, in fact, and in effect, become infructuous as there is no living issue now which requires decision. In fact, carrying on such type of election cases, will ultimately amount to futile exercise of power for no benefit of either of the parties involving unnecessary wastage of court's time and money of the parties.

Mr. Lal has raised an issue which appertains to the merit of the case whether the petitioner is an oraon or not. This matter itself has become infructuous in view of dissolution of the Parliament and, as such, I am not prepared to go into the merit of this aspect of the case. Moreover, it is the admitted position that no corrupt practice is involved in this case.

In view of the ruling referred to above, this election petition has lost its value, effectiveness and utility and it is accordingly, dismissal as being infructuous. The parties are directed to bear their own costs.

Let it be communicated to all concerned.

[No. 82/BR/(2/90)/92]

By Order,

BALWANT SINGH, Secy.

नई दिल्ली, 10 सितम्बर, 1992

या.प. 243—1985 का निर्वाचन प्रजां म. 3 में बिहार उच्च न्यायालय पटना बेंच के ताराख 16-6-1985 के आदेश के विरुद्ध दाखिल की गई 1986 के निशिय अपील नं. 2840 (एन.सी.) में भारत के उच्चतम न्यायालय के दिनांक 9 मई, 1991 के आदेश को लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) का धारा 116 ग(2) (ख) के अनुसूचन में निर्वाचन आयोग एहद्वारा प्रकाशित करता है।

(आदेश अंग्रेजी में प्रकाशित हैं)

[मं. 83/बिहार/13/85/86]
आदेश से,
बलवन्त सिंह, मन्त्रि

New Delhi, the 10th September, 1992

O.N. 243.—In pursuance of Clause (b) Sub-section 2 of 116-C of the Representation of the People Act, 1951 (43 of 1951) the Election Commission of India hereby publishes the Order dated 9th May, 1991 of the Supreme Court of India in Civil appeal No. 2840 (NCE) of 1986 filed against the order dated 16th June, 1986 of the High Court of Judicature at Patna, Bihar in Election Petition No. 3 of 1985.

Certified to the true copy
Sd/-
Assistant Registrar (Judi.)
31-5-1991
Supreme Court of India.
316787

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2840 OF 1986

Ram Awadesh Singh ...Appellant.

Vs.

Tapeshwar Singh & Ors. ...Respondents.

ORDER

Taken on Board.

The Civil Appeal is permitted to be withdrawn on the ground that it has become infructuous.

Sd/- CJ1

Sd/-J.

(KULDIP SINGH)

New Delhi.
May 9, 1991.

[No. 32/BR/(3/85/86)]

By Order,

BALWANT SINGH, Secy.

